



FEDERAL ELECTION COMMISSION
Washington DC 20463

THIS IS THE BEGINNING OF ADMINISTRATIVE FINE CASE # 2168

DATE SCANNED 3-15-11

SCANNER NO. 2

SCAN OPERATOR CJmH

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FEDERAL ELECTION COMMISSION
WASHINGTON, D.C. 20463

2010 SEP 14 A 10:15
COMMUNICATIONS SECTION

September 13, 2010

MEMORANDUM

SENSITIVE

TO: THE COMMISSION

THROUGH: ALEC PALMER
ACTING STAFF DIRECTOR *AP*

FROM: PATRICIA CARMONA *PC for PC*
CHIEF COMPLIANCE OFFICER

DEBBIE CHACONA *DC*
ASSISTANT STAFF DIRECTOR
REPORTS ANALYSIS DIVISION

BY: NATALIYA IOFFE/SARI PICKERALL *NP*
COMPLIANCE BRANCH

SUBJECT: REASON TO BELIEVE RECOMMENDATION – 2010 JULY
QUARTERLY REPORT FOR THE ADMINISTRATIVE FINE PROGRAM

Attached is a list of political committees and their treasurers who failed to file the 2010 July Quarterly Report in accordance with 2 U.S.C. § 434(a). The July Quarterly Report was due on July 15, 2010.

The committees listed in the attached RTB Circulation Report filed the report more than five (5) days after the due date or failed to file the report. In accordance with the schedule of civil money penalties for reports at 11 CFR § 111.43, these committees should be assessed the civil money penalties highlighted on the attached circulation report.

Recommendation

1. Find reason to believe that the political committees and their treasurers listed on the RTB Circulation Report violated 2 U.S.C. § 434(a) and make a preliminary determination that the civil money penalties would be the amounts indicated on the RTB Circulation Report.
2. Send the appropriate letters.

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Federal Election Commission
Reason to Believe Circulation Report
2010 JULY QUARTERLY Not Election Sensitive 07/15/2010 H_S_P_UNAUTH

AF#	Committee ID	Committee Name	Candidate Name	Treasurer	Threshold	PV	Receipt Date	Days Late	LOA	RTB Penalty
2155	C00467365	AMODEI FOR NEVADA	AMODEI, MARK EUGENE	NICOLA NEILON	\$166,585	0		Not Filed	\$55,528 (est)	\$2,970
2156	C00470963	BURTON FOR CONGRESS	BURTON, ROBERT	ROBERT CLAUHS	\$230,380	0	8/1/2010	17	\$18,012	\$195
2157	C00465120	CARLOS MAY FOR CONGRESS	MAY, CARLOS ANDREW	BEN ROEGER	\$164,784	0	7/21/2010	6	\$26,366	\$320
2158	C00469833	CITIZENS TO ELECT ROBERT MARSHALL	MARSHALL, ROBERT ALAN	ROBERT MARSHALL	\$217,179	1		Not Filed	\$54,295 (est)	\$3,712
2159	C00464412	COMMITTEE TO ELECT CHICK HEILESON TO CONGRESS	HEILESON, CHICK	CORBET R. MISKIN	\$254,203	0	8/27/2010	Not Filed	\$49,612	\$990
2161	C00462929	COMMITTEE TO ELECT RODERICK VEREEN FOR CONGRESS	VEREEN, RODERICK D	CHUCK MOGBO	\$154,287	0	7/24/2010	9	\$23,166	\$155
2163	C00470179	DR DAN 4 CONGRESS	EICHENBAUM, DAN	BRIAN UMBARGER	\$233,049	1		Not Filed	\$77,683 (est)	\$4,812
2167	C00463653	FRIENDS OF STEVEN WELCH	WELCH, STEVEN D	JEFFREY MICHAEL SPARLING	\$1,600,270	0		Not Filed	\$533,423 (est)	\$10,450
2168	C00462325	GAL YEAN FOR CONGRESS	GAL YEAN, JAMES D	CHRISTOPHER STEWART CAULEY	\$273,846	0		Not Filed	\$68,462 (est)	\$2,970
2169	C00477943	GUNNER DELAY FOR CONGRESS	DELAY, ROBERT GUNNER	MICHAEL DAVID COLLINS	\$153,356	0		Not Filed	\$76,678 (est)	\$3,850
2170	C00354613	INT LONGSHOREMENS ASSOC (ILA) LOCAL 1291 POLITICAL ACTION COMMITTEE		MARTIN MASCUILLI	\$113,995	1	7/22/2010	7	\$21,443	\$181

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AF#	Committee ID	Committee Name	Candidate Name	Treasurer	Threshold	PV	Receipt Date	Days Late	LOA	RTB Penalty
2171	C00233049	LABORERS INTERNATIONAL UNION OF NO AMERICA LOCAL NO 17 POLITICAL LEAGUE		JOSEPH R. LIBONATI	\$103,366	0	7/29/2010	14	\$7,750	\$125
2172	C00426320	LIBERTARIAN PARTY OF INDIANA		TODD SINGER	\$163,890	1	7/29/2010	14	\$31,621	\$600
2174	C00043463	MANUFACTURED HOUSING INSTITUTE PAC		RAE ANN BEVINGTON	\$192,689	0	8/13/2010	29	\$15,621	\$255
2175	C00419986	MONTEREY COUNTY DEMOCRATIC CENTRAL COMMITTEE FEDERAL		HELEN E. CARLIN	\$336,332	0	7/22/2010	7	\$46,115	\$340
2176	C00086348	NATIONAL ASSOCIATION FOR UNIFORMED SERVICES PAC		MICHAEL F. HARRIS	\$102,671	0	7/21/2010	6	\$49,471	\$320
2177	C00238204	PAKISTANI AMERICAN PUBLIC AFFAIRS COMMITTEE PAK-PAC		DR. PARVEZ SHAH	\$107,285	0	7/22/2010	7	\$14,386	\$145
2178	C00355784	ROBINSON COMMITTEE LLC	ROBINSON, JACK E	JACK E. ROBINSON	\$1,144,604	1	7/31/2010	16	\$4,018	\$131

BEFORE THE FEDERAL ELECTION COMMISSION

In the Matter of)
)
 Reason To Believe Recommendation - 2010)
 July Quarterly Report for the Administrative)
 Fine Program:)
 MANUFACTURED HOUSING) AF# 2174
 INSTITUTE PAC, and BEVINGTON, RAE)
 ANN as treasurer;)

BURTON FOR CONGRESS, and) AF# 2156
 ROBERT CLAUHS as treasurer;)
 ROBINSON COMMITTEE LLC, and) AF# 2178
 JACK E ROBINSON as treasurer;)
 LABORER'S INTERNATIONAL UNION) AF# 2171
 OF NO AMERICA LOCAL NO 17)
 POLITICAL LEAGUE, and JOSEPH R)
 LIBONATI as treasurer;)
 LIBERTARIAN PARTY OF INDIANA,) AF# 2172
 and TODD SINGER as treasurer;)

COMMITTEE TO ELECT RODERICK) AF# 2161
 VEREEN FOR CONGRESS, and CHUCK)
 MOGBO as treasurer;)
 INT LONGSHOREMENS ASSOC (ILA)) AF# 2170
 LOCAL 1291 POLITICAL ACTION)
 COMMITTEE, and MARTIN MASCUILLI)
 as treasurer;)
 MONTEREY COUNTY DEMOCRATIC) AF# 2175
 CENTRAL COMMITTEE FEDERAL, and)
 HELEN E CARLIN as treasurer;)
 PAKISTANI AMERICAN PUBLIC) AF# 2177
 AFFAIRS COMMITTEE PAK-PAC, and)
 DR. PARVEZ SHAH as treasurer;)
 CARLOS MAY FOR CONGRESS, and) AF# 2157
 ROEGER, BEN as treasurer;)
 NATIONAL ASSOCIATION FOR) AF# 2176
 UNIFORMED SERVICES PAC, and)
 HARRIS, MICHAEL F. as treasurer;)

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Federal Election Commission
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AMODEI FOR NEVADA, and NICOLA) AF# 2155
NEILON as treasurer;)
CITIZENS TO ELECT ROBERT) AF# 2158
MARSHALL, and ROBERT MARSHALL)
as treasurer;)
COMMITTEE TO ELECT CHICK) AF# 2159
HEILESON TO CONGRESS, and)
CORBET R MISKIN as treasurer;)

DR DAN 4 CONGRESS, and BRIAN) AF# 2163
UMBARGER as treasurer;)

FRIENDS OF STEVEN WELCH, and) AF# 2167
JEFFREY MICHAEL SPARLING as)
treasurer;)
GALYEAN FOR CONGRESS, and) AF# 2168
CAULEY, CHRISTOPHER STEWART as)
treasurer;)
GUNNER DELAY FOR CONGRESS, and) AF# 2169
MICHAEL DAVID COLLINS as treasurer;)

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CERTIFICATION

I, Shawn Woodhead Werth, Secretary and Clerk of the Federal Election Commission, do hereby certify that on September 15, 2010 the Commission took the following actions on the Reason To Believe Recommendation - 2010 July Quarterly Report for the Administrative Fine Program as recommended in the Reports Analysis Division's Memorandum dated September 13, 2010, on the following committees:

AF#2174 Decided by a vote of 6-0 to: (1) find reason to believe that MANUFACTURED HOUSING INSTITUTE PAC, and BEVINGTON, RAE ANN as treasurer violated 2 U.S.C. 434(a) and make a preliminary determination that the civil money penalty would be the amount indicated on the report; (2) send the appropriate letter. Commissioners Bauerly, Hunter, McGahn II, Petersen, Walther, and Weintraub voted affirmatively for the decision.

AF#2156 Decided by a vote of 6-0 to: (1) find reason to believe that BURTON FOR CONGRESS, and ROBERT CLAUHS as treasurer violated 2 U.S.C. 434(a) and make a preliminary determination that the civil money penalty would be the amount indicated on the report; (2) send the appropriate letter. Commissioners Bauerly, Hunter, McGahn II, Petersen, Walther, and Weintraub voted affirmatively for the decision.

AF#2178 Decided by a vote of 6-0 to: (1) find reason to believe that ROBINSON COMMITTEE LLC, and JACK E ROBINSON as treasurer violated 2 U.S.C. 434(a) and make a preliminary determination that the civil money penalty would be the amount indicated on the report; (2) send the appropriate letter. Commissioners Bauerly, Hunter, McGahn II, Petersen, Walther, and Weintraub voted affirmatively for the decision.

AF#2171 Decided by a vote of 6-0 to: (1) find reason to believe that LABORER'S INTERNATIONAL UNION OF NO AMERICA LOCAL NO 17 POLITICAL LEAGUE, and JOSEPH R LIBONATI as treasurer violated 2 U.S.C. 434(a) and make a preliminary determination that the civil money penalty would be the amount indicated on the report;

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(2) send the appropriate letter. Commissioners Bauerly, Hunter, McGahn II, Petersen, Walther, and Weintraub voted affirmatively for the decision.

AF#2172 Decided by a vote of 6-0 to: (1) find reason to believe that LIBERTARIAN PARTY OF INDIANA, and TODD SINGER as treasurer violated 2 U.S.C. 434(a) and make a preliminary determination that the civil money penalty would be the amount indicated on the report; (2) send the appropriate letter. Commissioners Bauerly, Hunter, McGahn II, Petersen, Walther, and Weintraub voted affirmatively for the decision.

AF#2161 Decided by a vote of 6-0 to: (1) find reason to believe that COMMITTEE TO ELECT RODERICK VEREEN FOR CONGRESS, and CHUCK MOGBO as treasurer violated 2 U.S.C. 434(a) and make a preliminary determination that the civil money penalty would be the amount indicated on the report; (2) send the appropriate letter. Commissioners Bauerly, Hunter, McGahn II, Petersen, Walther, and Weintraub voted affirmatively for the decision.

AF#2170 Decided by a vote of 6-0 to: (1) find reason to believe that INT LONGSHOREMENS ASSOC (ILA) LOCAL 1291 POLITICAL ACTION COMMITTEE, and MARTIN MASCUILLI as treasurer violated 2 U.S.C. 434(a) and make a preliminary determination that the civil money penalty would be the amount indicated on the report; (2) send the appropriate letter. Commissioners Bauerly, Hunter, McGahn II, Petersen, Walther, and Weintraub voted affirmatively for the decision.

AF#2175 Decided by a vote of 6-0 to: (1) find reason to believe that MONTEREY COUNTY DEMOCRATIC CENTRAL COMMITTEE FEDERAL, and HELEN E CARLIN as treasurer violated 2 U.S.C. 434(a) and make a preliminary determination that the civil money penalty would be the amount indicated on the report; (2) send the appropriate letter. Commissioners Bauerly, Hunter, McGahn II, Petersen, Walther, and Weintraub voted affirmatively for the decision.

AF#2177 Decided by a vote of 6-0 to: (1) find reason to believe that PAKISTANI AMERICAN PUBLIC AFFAIRS COMMITTEE PAK-PAC, and DR. PARVEZ SHAH as treasurer violated 2 U.S.C. 434(a) and make a preliminary determination that the civil money penalty would be the amount indicated on the report; (2) send the appropriate letter. Commissioners Bauerly, Hunter, McGahn II, Petersen, Walther, and Weintraub voted affirmatively for the decision.

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AF#2157 Decided by a vote of 6-0 to: (1) find reason to believe that CARLOS MAY FOR CONGRESS, and ROEGER, BEN as treasurer violated 2 U.S.C. 434(a) and make a preliminary determination that the civil money penalty would be the amount indicated on the report; (2) send the appropriate letter. Commissioners Bauerly, Hunter, McGahn II, Petersen, Walther, and Weintraub voted affirmatively for the decision.

AF#2176 Decided by a vote of 6-0 to: (1) find reason to believe that NATIONAL ASSOCIATION FOR UNIFORMED SERVICES PAC, and HARRIS, MICHAEL F. as treasurer violated 2 U.S.C. 434(a) and make a preliminary determination that the civil money penalty would be the amount indicated on the report; (2) send the appropriate letter. Commissioners Bauerly, Hunter, McGahn II, Petersen, Walther, and Weintraub voted affirmatively for the decision.

AF#2155 Decided by a vote of 6-0 to: (1) find reason to believe that AMODEI FOR NEVADA, and NICOLA NEILON as treasurer violated 2 U.S.C. 434(a) and make a preliminary determination that the civil money penalty would be the amount indicated on the report; (2) send the appropriate letter. Commissioners Bauerly, Hunter, McGahn II, Petersen, Walther, and Weintraub voted affirmatively for the decision.

AF#2158 Decided by a vote of 6-0 to: (1) find reason to believe that CITIZENS TO ELECT ROBERT MARSHALL, and ROBERT MARSHALL as treasurer violated 2 U.S.C. 434(a) and make a preliminary determination that the civil money penalty would be the amount indicated on the report; (2) send the appropriate letter. Commissioners Bauerly, Hunter, McGahn II, Petersen, Walther, and Weintraub voted affirmatively for the decision.

AF#2159 Decided by a vote of 6-0 to: (1) find reason to believe that COMMITTEE TO ELECT CHICK HEILESON TO CONGRESS, and CORBET R MISKIN as treasurer violated 2 U.S.C. 434(a) and make a preliminary determination that the civil money penalty would be the amount indicated on the report; (2) send the appropriate letter. Commissioners Bauerly, Hunter, McGahn II, Petersen, Walther, and Weintraub voted affirmatively for the decision.

AF#2163 Decided by a vote of 6-0 to: (1) find reason to believe that DR DAN 4 CONGRESS, and BRIAN UMBARGER as treasurer violated 2 U.S.C. 434(a) and make a preliminary determination that the civil money penalty would be the amount indicated on the report; (2) send the appropriate letter. Commissioners Bauerly, Hunter, McGahn II, Petersen, Walther, and Weintraub voted affirmatively for the decision.

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AF#2167 Decided by a vote of 6-0 to: (1) find reason to believe that FRIENDS OF STEVEN WELCH, and JEFFREY MICHAEL SPARLING as treasurer violated 2 U.S.C. 434(a) and make a preliminary determination that the civil money penalty would be the amount indicated on the report; (2) send the appropriate letter. Commissioners Bauerly, Hunter, McGahn II, Petersen, Walther, and Weintraub voted affirmatively for the decision.

AF#2168 Decided by a vote of 6-0 to: (1) find reason to believe that GALYEAN FOR CONGRESS, and CAULEY, CHRISTOPHER STEWART as treasurer violated 2 U.S.C. 434(a) and make a preliminary determination that the civil money penalty would be the amount indicated on the report; (2) send the appropriate letter. Commissioners Bauerly, Hunter, McGahn II, Petersen, Walther, and Weintraub voted affirmatively for the decision.

AF#2169 Decided by a vote of 6-0 to: (1) find reason to believe that GUNNER DELAY FOR CONGRESS, and MICHAEL DAVID COLLINS as treasurer violated 2 U.S.C. 434(a) and make a preliminary determination that the civil money penalty would be the amount indicated on the report; (2) send the appropriate letter. Commissioners Bauerly, Hunter, McGahn II, Petersen, Walther, and Weintraub voted affirmatively for the decision.

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September 15, 2010
Date

Attest:

Shawn Woodhead Werth
Shawn Woodhead Werth
Secretary and Clerk of the Commission



FEDERAL ELECTION COMMISSION
WASHINGTON, D.C. 20463

September 21, 2010

Christopher Stewart Cauley, in official capacity as Treasurer
Galyean for Congress
3300 N. Main Street, Suite D, PMB-301
Anderson, SC 29621

C00462325
AF#: 2168

Dear Mr. Cauley:

The Federal Election Campaign Act of 1971, as amended ("the Act"), requires that your committee file a July Quarterly Report of Receipts and Disbursements every calendar year. This report, covering the period through June 30, 2010, shall be filed no later than July 15, 2010. 2 U.S.C. § 434(a). Records at the Federal Election Commission ("FEC") indicate that this report was not filed within thirty (30) days of the due date. You should file this report if you have not already done so.

The Act permits the FEC to impose civil money penalties for violations of the reporting requirements of 2 U.S.C. § 434(a). 2 U.S.C. § 437g(a)(4). On September 15, 2010, the FEC found that there is reason to believe ("RTB") that Galyean for Congress and you as treasurer violated 2 U.S.C. § 434(a) by failing to file timely this report on or before July 15, 2010. Based on the FEC's schedules of civil money penalties at 11 C.F.R. § 111.43, the amount of your civil money penalty calculated at the RTB stage is \$2,970. Please see the attached copy of the Commission's administrative fine regulations at 11 C.F.R. §§ 111.30-111.46. Attachment 1. The Commission's website contains further information about how the administrative fine program works and how the fines are calculated. See <http://www.fec.gov/af/af.shtml>. 11 C.F.R. § 111.34. Your payment of \$2,970 is due within forty (40) days of the finding, or by October 25, 2010, and is based on these factors:

Sensitivity of Report: Not Election Sensitive
Level of Activity: \$68,462
Number of Days Late: Not Filed
Number of Previous Civil Money Penalties Assessed: 0

At this juncture, the following courses of action are available to you:

1. If You Choose to Challenge the RTB Finding and/or Civil Money Penalty

If you should decide to challenge the RTB finding and/or calculated civil money penalty, you must submit a written response, including the AF# found at the top of page 1 under your committee's identification number, to the FEC's Office of Administrative Review, 999 E Street,

NW, Washington, DC 20463. Your response must be received within forty (40) days of the Commission's RTB finding, or October 25, 2010. 11 C.F.R. § 111.35(a). Your written response must include the reason(s) why you are challenging the RTB finding and/or calculated civil money penalty, and must include the factual basis supporting the reason(s) and supporting documentation. The FEC strongly encourages that documents be submitted in the form of affidavits or declarations. 11 C.F.R. § 111.36(c).

The FEC will only consider challenges that are based on at least one of three grounds: (1) a factual error in the RTB finding; (2) miscalculation of the calculated civil money penalty by the FEC; or (3) your demonstrated use of best efforts to file in a timely manner when prevented from doing so by reasonably unforeseen circumstances that were beyond your control. 11 C.F.R. § 111.35(b). In order for a challenge to be considered on the basis of best efforts, you must have filed the required report no later than 24 hours after the end of these reasonably unforeseen circumstances. *Id.* Examples of circumstances that will be considered reasonably unforeseen and beyond your control include, but are not limited to, (1) a failure of Commission computers or Commission-provided software despite your seeking technical assistance from Commission personnel and resources; (2) a widespread disruption of information transmissions over the Internet that is not caused by a failure of the Commission's or your computer systems or Internet service provider; and (3) severe weather or other disaster-related incident. 11 C.F.R. § 111.35(c). Examples of circumstances that will not be considered reasonably unforeseen and beyond your control include, but are not limited to, (1) negligence; (2) delays caused by vendors or contractors; (3) treasurer and staff illness, inexperience or unavailability; (4) committee computer, software, or Internet service provider failures; (5) failure to know filing dates; and (6) failure to use filing software properly. 11 C.F.R. § 111.35(d).

The "failure to raise an argument in a timely fashion during the administrative process shall be deemed a waiver" of your right to present such argument in a petition to the U.S. district court under 2 U.S.C. § 437g. 11 C.F.R. § 111.38.

If you intend to be represented by counsel, please advise the Office of Administrative Review. You should provide, in writing, the name, address and telephone number of your counsel and authorize counsel to receive notifications and communications relating to this challenge and imposition of the calculated civil money penalty.

2. If You Choose Not to Pay the Civil Money Penalty and Not to Submit a Challenge

If you do not pay the calculated civil money penalty and do not submit a written response, the FEC will assume that the preceding factual allegations are true and make a final determination that Galyean for Congress and you, in your official capacity as treasurer, violated 2 U.S.C. § 434(a) and assess a civil money penalty.

Unpaid civil money penalties assessed through the Administrative Fine regulations will be subject to the Debt Collection Act of 1982 ("DCA"), as amended by the Debt Collection Improvement Act of 1996, 31 U.S.C. § 3701 *et seq.* The FEC may take any and all appropriate action authorized and required by the DCA, as amended, including transfer to the U.S. Department of the Treasury for collection. 11 C.F.R. § 111.51(a)(2).

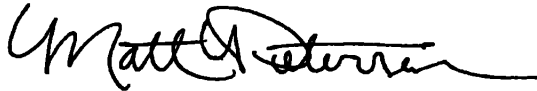
3. If You Choose to Pay the Civil Money Penalty

If you should decide to pay the calculated civil money penalty, send the enclosed remittance form, along with your payment, to the FEC at the address on page 4. Upon receipt of your payment, the FEC will send you a final determination letter.

This matter was generated based on information ascertained by the FEC in the normal course of carrying out its supervisory responsibilities. 2 U.S.C. § 437g(a)(2). It will remain confidential in accordance with 2 U.S.C. § 437g(a)(4)(B) and 437g(a)(12)(A) until it is placed on the public record in accordance with 11 C.F.R. § 111.42, unless you notify the FEC in writing that you wish the matter to be made public.

As noted earlier, you may obtain additional information on the FEC's administrative fine program, including the final regulations, on the FEC's website at <http://www.fec.gov/af/af.shtml>. If you have questions regarding the payment of the calculated civil money penalty, please contact Sari Pickerall in the Reports Analysis Division at our toll free number (800) 424-9530 (at the prompt press 5) or (202) 694-1130. If you have questions regarding the submission of a challenge, please contact the Office of Administrative Review at our toll free number (800) 424-9530 (press 0, then ext. 1660) or (202) 694-1660.

On behalf of the Commission,



Matthew S. Petersen
Chairman

ADMINISTRATIVE FINE REMITTANCE & PAYMENT INSTRUCTIONS

In accordance with the schedule of penalties at 11 C.F.R. § 111.43, the amount of your civil money penalty calculated at RTB is \$2,970 for the 2010 July Quarterly Report.

Please mail this remittance with a check or money order made payable to the Federal Election Commission to the following address:

Federal Election Commission
P.O. Box 979058
St. Louis, MO 63197-9000

If you choose to send your remittance and payment by courier or overnight delivery, please use this address:

U.S. Bank - Government Lockbox
FEC #979058
1005 Convention Plaza
Attn: Government Lockbox, SL-MO-C2GL
St. Louis, MO 63101

The remittance and your payment are due by October 25, 2010. Upon receipt of your remittance and payment, the FEC will send you a final determination letter.

PAYMENTS BY PERSONAL CHECK

Personal checks will be converted into electronic funds transfers (EFTS). Your account will be electronically debited for the amount on your check, usually within 24 hours, and the debit will appear on your regular statement. We will destroy your original check and keep a copy of it. In case the EFT cannot be processed for technical reasons, you authorize us to process the copy in lieu of the original check. Should the EFT not be completed because of insufficient funds, we may try to make the transfer twice.

PLEASE DETACH AND RETURN THE PORTION BELOW WITH YOUR PAYMENT

FOR: Galyean for Congress

FEC ID#: C00462325

AF#: 2168

PAYMENT DUE DATE: October 25, 2010

PAYMENT AMOUNT DUE: \$2,970

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FEC OFFICE OF
ADMIN REVIEW

RECEIVED

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COX, CAULEY & ROCKWELL, LLC
Certified Public Accountants

FEC MAIL CENTER

Thomas W. Cox, CPA
Jeffrey A. Cox, CPA
Christopher S. Cauley, CPA
Monica L. Rockwell, CPA

2006 North Main Street
Anderson, SC 29621
Ph 864-225-8713

100 Century Plaza, Suite 7-G
Seneca, SC 29678
Ph 864-882-9301

233 Adley Way
Greenville, SC 29607
Ph 864-335-5096

www.coxandcompanycpas.com • Email: tdcx@bellsouth.net

October 25, 2010

FEC's Office of Administrative Review
999 E Street NW
Washington, DC 20463

Re: Galyean for Congress
AF# 2168
C00462325

Dear Sir or Madam:

This letter is in response to the enclosed letter assessing a civil penalty on not filing a July Quarterly Report of Receipts and Disbursements. You have assessed this penalty against the campaign and against me as Treasurer. The campaign was ceased in early January 2010 due to health problems of the candidate, Mr. Galyean. At that time, the campaign was disbanded and I was removed as Treasurer and informed that my duties would cease.

I have spoken with the former campaign manager of Galyean for Congress and he has let me know that no one ever filed for a change of the Treasurer and apparently they never filed the final report. Per discussions with former campaign officials, the campaign has received no contributions during 2010. Additionally, any 2009 contributions have either been spent prior to the March report or returned to any donors that gave to the general campaign.

Since a July Quarterly Report of Receipts and Disbursements has not been filed, I have included one based on the information I have received from the former campaign officials. I have also signed this form as the Treasurer since another Treasurer was never named as was my understanding.

I respectfully request that all civil money penalties be removed from the campaign since the campaign was inactive and the candidate never competed in the primary or took donations during 2010. However, if the penalties cannot be removed from the campaign, then I request that the penalties be removed from me personally, as I was relieved of my duties by the campaign and it was the campaign officials who were to name a new Treasurer and file the paperwork having me removed. It had been my understanding that this had been done.

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Thank you in advance for your assistance. Please do not hesitate to call me at 864-225-8713 if you have any further questions regarding this matter.

Very truly yours,

A handwritten signature in black ink, appearing to read 'CSC', with a long horizontal flourish extending to the right.

Christopher S. Cauley

Enclosures

11092652777

RECEIVED

2010 OCT 29 AM 11:10
FEDERAL CENTER

**FEC
FORM 3**

**REPORT OF RECEIPTS
AND DISBURSEMENTS**
For An Authorized Committee

Office Use Only

1. NAME OF COMMITTEE (in full) TYPE OR PRINT ▼ Example: If typing, type over the lines.

12FE4M5

GALYEAN FOR CONGRESS

8 ADDRESS (number and street)

3300 N MAIN STREET

Check if different than previously reported. (ACC)

SUITE D PMB-301

ANDERSON

KC

646211

2. FEC IDENTIFICATION NUMBER ▼

CITY ▲

STATE ▲

ZIP CODE ▲

STATE ▼ DISTRICT

000462325

3. IS THIS REPORT

☒ NEW (N)

OR

☐ AMENDED (A)

KC

03

4. TYPE OF REPORT (Choose One)

(a) Quarterly Reports:

April 15 Quarterly Report (Q1)

July 15 Quarterly Report (Q2)

October 15 Quarterly Report (Q3)

January 31 Year-End Report (YE)

☒

Termination Report (TER)

(b) 12-Day PRE-Election Report for the:

Primary (12P)

General (12G)

Runoff (12R)

Convention (12C)

Special (12S)

Election on

MM/DD/YYYY

in the State of

(c) 30-Day POST-Election Report for the:

General (30G)

Runoff (30R)

Special (30S)

Election on

MM/DD/YYYY

in the State of

5. Covering Period

04/01/2010

through

06/30/2010

I certify that I have examined this Report and to the best of my knowledge and belief it is true, correct and complete.

Type or Print Name of Treasurer Christopher S. Cawley

Signature of Treasurer

Date

10/25/2010

NOTE: Submission of false, erroneous, or incomplete information may subject the person signing this Report to the penalties of 2 U.S.C. §437g.

Office Use Only							
-----------------	--	--	--	--	--	--	--

FEC FORM 3
(Revised 02/2003)

SUMMARY PAGE

of Receipts and Disbursements

Write or Type Committee Name

GALYEAN FOR CONGRESS

Report Covering the Period:

From:

07 / 01 / 2010

To:

06 / 30 / 2010

6. Net Contributions (other than loans)

(a) Total Contributions
(other than loans) (from Line 11(e))COLUMN A
This PeriodCOLUMN B
Election Cycle-to-Date(b) Total Contribution Refunds
(from Line 20(d))(c) Net Contributions (other than loans)
(subtract Line 5(b) from Line 6(a))

7. Net Operating Expenditures

(a) Total Operating Expenditures
(from Line 17)(b) Total Offsets to Operating
Expenditures (from Line 14)(c) Net Operating Expenditures
(subtract Line 7(b) from Line 7(a))8. Cash on Hand at Close of
Reporting Period (from Line 27)9. Debts and Obligations Owed TO
the Committee (Itemize all on
Schedule C and/or Schedule D)10. Debts and Obligations Owed BY
the Committee (Itemize all on
Schedule C and/or Schedule D)

For further information contact:

Federal Election Commission
999 E Street, NW
Washington, DC 20463

Toll Free 800-424-9530
Local 202-694-1100

**DETAILED SUMMARY PAGE
of Receipts**

FEC Form 3 (Revised 12/2003)

Page 3

Write or Type Committee Name

GALYAN FOR CONGRESS

Report Covering the Period:

From:

01 01 2010

To:

06 30 2010

I. RECEIPTS

**COLUMN A
Total This Period**

**COLUMN B
Election Cycle-to-Date**

11. CONTRIBUTIONS (other than loans) FROM:

- (a) Individuals/Persons Other Than Political Committees
 - (i) Itemized (use Schedule A).....
 - (ii) Unitemized.....
 - (iii) TOTAL of contributions from individuals ▶
- (b) Political Party Committees.....
- (c) Other Political Committees (such as PACs).....
- (d) The Candidate.....
- (e) TOTAL CONTRIBUTIONS (other than loans) (add Lines 11(a)(iii), (b), (c), and (d))..

0
0
0
0
0
0

6761872
923500
420000
500
8105872

12. TRANSFERS FROM OTHER AUTHORIZED COMMITTEES

0

0

13. LOANS:

- (a) Made or Guaranteed by the Candidate.....
- (b) All Other Loans.....
- (c) TOTAL LOANS (add Lines 13(a) and (b)).....

0
0
0

0
0
0

14. OFFSETS TO OPERATING EXPENDITURES (Refunds, Rebates, etc.)

0

0

15. OTHER RECEIPTS (Dividends, Interest, etc.)

0

0

16. TOTAL RECEIPTS (add Lines 11(e), 12, 13(c), 14, and 15) (Carry Total to Line 24, page 4)..... ▶

0

8105872

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DETAILED SUMMARY PAGE
of Disbursements

FEC Form 3 (Revised 02/2003)

Page 4

II. DISBURSEMENTS

COLUMN A
Total This Period

COLUMN B
Election Cycle-to-Date

17. OPERATING EXPENDITURES.....

18. TRANSFERS TO OTHER
AUTHORIZED COMMITTEES

19. LOAN REPAYMENTS:

(a) Of Loans Made or Guaranteed
by the Candidate.....

(b) Of All Other Loans

(c) TOTAL LOAN REPAYMENTS
(add Lines 19(a) and (b)).....

20. REFUNDS OF CONTRIBUTIONS TO:

(a) Individuals/Persons Other
Than Political Committees

(b) Political Party Committees.....

(c) Other Political Committees
(such as PACs)

(d) TOTAL CONTRIBUTION REFUNDS
(add Lines 20(a), (b), and (c)).....

21. OTHER DISBURSEMENTS.....

22. TOTAL DISBURSEMENTS
(add Lines 17, 18, 19(c), 20(d), and 21) ►

76,358.72

4,700.-

4,700.-

81,058.72

III. CASH SUMMARY

23. CASH ON HAND AT BEGINNING OF REPORTING PERIOD.....

24. TOTAL RECEIPTS THIS PERIOD (from Line 16, page 3).....

25. SUBTOTAL (add Line 23 and Line 24).....

26. TOTAL DISBURSEMENTS THIS PERIOD (from Line 22).....

27. CASH ON HAND AT CLOSE OF REPORTING PERIOD
(subtract Line 26 from Line 25).....

11092652781



FEDERAL ELECTION COMMISSION
WASHINGTON, D.C. 20463

Via First Class Mail

November 1, 2010

Christopher Stewart Cauley,
in his official capacity as Treasurer
3300 N. Main Street
Suite D PMB-301
Anderson, SC 29621

C00462325
AF# 2168

Dear Mr. Cauley:

On October 29, 2010, the Commission received your written response ("challenge") which is being reviewed by the Office of Administrative Review. If you have any questions regarding your challenge, please contact this Office on our toll free number (800)424-9530 (press 0, then ext. 1660) or (202)694-1660.

Sincerely,

A handwritten signature in black ink, appearing to read "Dayna C. Brown".

Dayna C. Brown
Reviewing Officer
Office of Administrative Review

11092652782

**FEC OFFICE OF
ADMIN REVIEW**

2010 NOV -3 A 7 31

Date: November 2, 2010

**REFERRAL TO OFFICE OF ADMINISTRATIVE REVIEW
CHALLENGE RECEIVED**

AF#: 2168

Committee Name: Galyean for Congress

Committee ID#: C00462325

Committen Address (if different than in RTB letter): N/A

Treasurer Name (if different than in RTB finding): N/A

Attachments:

**Copy of RTB Circulation Report, dated September 13, 2010 and RTB
Certification, dated September 15, 2010 (Y/N):** N

Attachment #: N/A

Proof of Delivery (to be forwarded at later date if not yet received) (Y/N): Y

Attachment #: 1

Other Relevant Telecoms (Y/N): N

Attachment #: N/A

Original Correspondence Received by RAD in Response to RTB Letter (Y/N): N

Attachment #: N/A

RAD Staff Declaration (Y/N): Y

-2010 July Quarterly Report Prior Notice, dated June 21, 2010.

-RTB Letter, dated September 21, 2010.

Attachment #: 3

Other RAD Information: (Y/N): N

Attachment#: N/A

11092652783

**Proof of Delivery**

Dear Customer,

This notice serves as proof of delivery for the shipment listed below.

Tracking Number: 1ZWF5860A296772210
Service: NEXT DAY AIR
Special Instructions: ADULT SIGNATURE REQUIRED
Weight: 1.00 Lb
Shipped/Billed On: 09/21/2010
Delivered On: 09/22/2010 9:46 A.M.
Delivered To: ANDERSON, SC, US
Signed By: WHITE

Location: RECEIVER

Thank you for giving us this opportunity to serve you.

Sincerely,

UPS

Tracking results provided by UPS: 09/22/2010 2:54 P.M. ET

11092652784

Attachment 1

DECLARATION OF NATALIYA IOFFE

1. I am the Chief of the Compliance Branch for the Reports Analysis Division of the Federal Election Commission ("Commission"). In my capacity as Chief of the Compliance Branch, I oversee the initial processing of the Administrative Fine Program. I make this declaration based on my personal knowledge and, if called upon as a witness, could and would testify competently to the following matters.
2. I hereby certify that documents identified herein are true and accurate copies of the following sent to Galyean for Congress:
 - A) Prior Notice, dated June 21, 2010, referencing the 2010 July Quarterly Report (sent via electronic mail to: JAMESGALYEAN@YAHOO.COM);
 - B) Non-Filer Letter, dated August 3, 2010, referencing the 2010 July Quarterly Report;
 - C) Reason-to-Believe Letter, dated September 21, 2010, referencing the 2010 July Quarterly Report.

I hereby certify that I have searched the Commission's public records and find that Galyean for Congress filed the 2010 July Quarterly Report with the Commission on October 25, 2010.

3. Pursuant to 28 U.S.C. 1746, I declare under penalty of perjury that the foregoing is true and correct and that all relevant telecoms for the matter have been provided. This declaration was executed at Washington, D.C. on the 2nd day of November, 2010.



Nataliya Ioffe
Chief, Compliance Branch
Reports Analysis Division
Federal Election Commission



JULY QUARTERLY REPORT NOTICE

FEDERAL ELECTION COMMISSION

CONGRESSIONAL COMMITTEES
PARTIES AND PACS

June 21, 2010

CURRENT REPORT DUE

REPORT	CLOSE OF BOOKS ¹	REG./CERT. & OVERNIGHT MAILING DEADLINE	FILING DEADLINE
July Quarterly	06/30/10	07/15/10	07/15/10

REPORTING SCHEDULE FOR REMAINDER OF 2010

REPORT	CLOSE OF BOOKS ¹	REG./CERT. & OVERNIGHT MAILING DEADLINE	FILING DEADLINE
October Quarterly	09/30/10	10/15/10	10/15/10
Pre-General ²	10/13/10	10/18/10	10/21/10
Post-General	11/22/10	12/02/10	12/02/10
Year-End	12/31/10	01/31/11	01/31/11

Supplemental Filing Information is available:

- Congressional Committees
- Parties and PACs

¹A reporting period always begins the day after the closing date of the last report filed. If the committee is new and has not previously filed a report, the first report must cover all activity that occurred before the committee registered up through the close of books for the first report due.

²Parties and PACs: required only if committee makes contributions or expenditures in connection with the general election during the reporting period.

Congressional Committees: campaign committees of a candidate who participates in the general election must file pre-and post-general election reports.

2010 SUPPLEMENTAL FILING INFORMATION CONGRESSIONAL COMMITTEES

PLEASE NOTE: The Commission provides reminders of upcoming filing dates as a courtesy to help committees comply with the filing deadlines set forth in the Act and Commission regulations. Committee treasurers must comply with all applicable filing deadlines established by law, and the lack of prior notice does not constitute an excuse for failing to comply with any filing deadline.

WHO MUST FILE

Principal campaign committees of congressional candidates ¹ (including unopposed candidates and candidates whose names do not appear on the ballot) must file Quarterly Reports in 2010. ²

Campaigns that raise or spend more than \$5,000 for the 2010 election cycle (and thus trigger registration and reporting requirements) must file quarterly reports throughout 2010, even if the candidate plans to retire, withdraws from the race prior to the primary election, loses the primary or drops out of the race prior to the general election. See 11 CFR 104.5(a)(2).

Before a committee can stop filing with the FEC, it must file a termination report with the Commission. See 11 CFR 102.3. Committees must continue to file reports until the Commission notifies them in writing that their termination report has been accepted.

METHODS OF FILING REPORTS

Electronic Filing

Reports filed electronically must be received and validated by the Commission by 11:59 p.m. Eastern Time on the filing deadline. See 11 CFR 104.5(e).

- Web Page: Electronic Filing Page
- Campaign Guide for Congressional Candidates and Committees (Candidate Guide), pp. 82-84 [PDF]

Paper Filing - Meeting the Filing Deadline

Paper Report filing options -- Registered, Certified or Overnight or First Class Mail. See 11 CFR 104.5(e).

- Web Page: Link to Paper Forms (for downloading and printing)
- Candidate Guide, p. 81 [PDF]

¹ Generally, an individual becomes a candidate for federal office (and thus triggers registration and reporting obligations) when his or her campaign exceeds \$5,000 in either contributions or expenditures. If the campaign has not crossed the \$5,000 threshold, it is not required to file reports. See 11 CFR 100.3(a).

² If a candidate has more than one authorized committee, the principal campaign committee must also file a consolidated report on Form 3Z [PDF].

PRE- AND POST-ELECTION REPORTS

A committee whose candidate participates in a 2010 state primary, nominating convention or runoff election -- even if unopposed -- must also file a pre-election report 12 days prior to the primary, nominating convention or runoff. The campaign committee of a candidate who participates in the general election must file pre- and post-general election reports.

See 11 CFR 104.5(a)(2).

- Web Page: 2010 Congressional Pre-Primary Reporting Dates
- The Record: January 2010 issue [PDF]
- Candidate Guide, pp. 79-80 [PDF]

48 HOUR NOTICES ON CONTRIBUTIONS

Notices are required if the committee receives any contribution (including in-kind gifts or advances of goods or services; loans from the candidate or other non-bank sources; and guarantees or endorsements of bank loans to the candidate or committee) of \$1,000 or more per source, during the period less than 20 days but more than 48 hours before any election in which the candidate is running.

The notices must reach the appropriate federal filing office within 48 hours of the committee's receipt of the contribution(s). Campaign committees that file electronically **MUST** submit their 48-hour notices electronically. See 11 CFR 104.5(f).

- Web Page: Electronic Filing Page
- Web Page: Link to Paper Forms (for downloading and printing)
- Form 6 Fax numbers
 - Senate campaigns (Secretary of the Senate): (202) 224-1851
 - House Campaigns (FEC): (202) 219-0174
- Campaign Guide: Candidate Guide, p. 80 [PDF]

COMPLIANCE

Treasurer Responsibility

Committee Treasurers are responsible for both the timeliness and the accuracy of all reports. They may be subject to monetary penalties if reports are inaccurate or are not filed on time.

See 11 CFR 104.14(d).

- Statement of Policy Regarding Treasurers Subject to Enforcement Proceedings [PDF]
- Candidate Guide, p. 7 [PDF]

Administrative Fine Program

Political committees and their treasurers who fail to file their reports on time may be subject to civil money penalties up to \$17,600 (or more for repeat late- and non-filers).³

See 11 CFR 111.30.

- Web Page: Administrative Fine Program
- Candidate Guide, pp. 81-82 [PDF]

³ Penalties for late- or non-filing of 48-hour notices are based on the amount of contributions not timely disclosed. As a result, these penalties may exceed \$17,600, even for first-time violations.

DISCLOSURE OF LOBBYIST BUNDLING ACTIVITY

Campaign committees must file FEC Form 3L [PDF] if they receive two or more bundled contributions from lobbyists/registrants or lobbyist/registrant PACs that aggregate in excess of \$16,000 during the applicable reporting period (see page 1 of this notice). See 11 CFR 104.22 and 110.17(e).

- The Record: March 2009 issue [PDF]

2010 REPORTING SCHEDULE

- Web Page: 2010 Reporting Dates Page
- The Record: January 2010 issue [PDF]
- Candidate Guide, p. 79 [PDF]

IMPORTANT FILING INFORMATION - PAPER FILERS

In response to the 2001 anthrax threat, the U.S. Postal Service is irradiating mail directed to many federal agencies, including the FEC and the Secretary of the Senate.⁴ This process has not only delayed mail delivery, it has also damaged and in some cases destroyed pieces of mail. As a result, committees that file reports with the FEC may want to consider submitting their reports by some means other than U.S. mail. Alternative methods include electronic filing, overnight mail or delivery service, and hand delivery.

⁴ Senate committees should contact the Secretary of the Senate at (202) 224-0322 for more information on filing reports via US mail.

FOR INFORMATION, CALL: (800) 424-9530 or (202) 694-1100



FEDERAL ELECTION COMMISSION
WASHINGTON, D.C. 20463

August 3, 2010

RQ-7

CHRISTOPHER STEWART CAULEY, TREASURER
GALYEAN FOR CONGRESS
3380 N MAIN STREET SUITE D PMB-301
ANDERSON, SC 29621

IDENTIFICATION NUMBER: C00462325

REFERENCE: JULY QUARTERLY REPORT 4/1/2010 - 6/30/2010

DEAR TREASURER:

IT HAS COME TO THE ATTENTION OF THE FEDERAL ELECTION COMMISSION THAT YOU MAY HAVE FAILED TO FILE THE ABOVE REFERENCED REPORT OF RECEIPTS AND EXPENDITURES AS REQUIRED BY THE FEDERAL ELECTION CAMPAIGN ACT, AS AMENDED.

IT IS IMPORTANT THAT YOU FILE THIS REPORT IMMEDIATELY WITH THE FEDERAL ELECTION COMMISSION, 999 E STREET, N.W., WASHINGTON, D.C. 20463 FOR HOUSE CANDIDATES, OR THE SECRETARY OF THE SENATE, 232 HART SENATE OFFICE BUILDING, WASHINGTON, D.C. 20510 (MAILING ADDRESS: OFFICE OF PUBLIC RECORDS, P.O. BOX 2517, ALEXANDRIA, VA 22301), FOR SENATE CANDIDATES. PLEASE NOTE THAT ELECTRONIC FILERS MUST SUBMIT THEIR REPORTS ELECTRONICALLY, AS PER 11 CFR §104.18. A COPY OF THE REPORT MUST ALSO BE FILED WITH THE SECRETARY OF STATE OR EQUIVALENT STATE OFFICER UNLESS THE STATE IS EXEMPT FROM THE FEDERAL REQUIREMENT TO RECEIVE AND MAINTAIN PAPER COPIES. YOU CAN VERIFY THE COMMISSION'S RECEIPT OF ANY DOCUMENTS SUBMITTED BY YOUR COMMITTEE ON THE FEC WEBSITE AT WWW.FEC.GOV.

THE FAILURE TO TIMELY FILE THIS REPORT MAY RESULT IN CIVIL MONEY PENALTIES, AN AUDIT OR LEGAL ENFORCEMENT ACTION. THE CIVIL MONEY PENALTY CALCULATION FOR LATE REPORTS DOES NOT INCLUDE A GRACE PERIOD AND BEGINS ON THE DAY FOLLOWING THE DUE DATE FOR THE REPORT. DUE TO HEIGHTENED SECURITY SCREENING MEASURES, DELIVERY OF MAIL BY THE US POSTAL SERVICE MAY BE DELAYED. THE COMMISSION RECOMMENDS THAT YOU SUBMIT YOUR REPORT VIA OVERNIGHT DELIVERY OR COURIER SERVICE.

IF YOU HAVE ANY QUESTIONS REGARDING THIS MATTER, PLEASE CONTACT IRM WASHBER AT OUR TOLL FREE NUMBER (800)424-9535. OUR DIRECT LOCAL NUMBER IS (202)694-1130.

SINCERELY,

Debbie Chacona

DEBBIE CHACONA
ASSISTANT STAFF DIRECTOR
REPORTS ANALYSIS DIVISION (RAD)



FEDERAL ELECTION COMMISSION
WASHINGTON, D.C. 20463

RECEIVED
FEDERAL ELECTION
COMMISSION
SECRETARIAT

2010 DEC 28 P 4: 38

SENSITIVE

December 28, 2010

MEMORANDUM

To: The Commission

Through: Alec Palmer *AP*
Acting Staff Director

From: Patricia Carmona *PC*
Chief Compliance Officer

Dayna C. Brown *DCB*
Reviewing Officer
Office of Administrative Review

Subject: Reviewing Officer Recommendation in AF# 2168 – Galyean for Congress
and Christopher Stewart Cauley, in his official capacity as Treasurer
(C00462325)

The attached Reviewing Officer Recommendation is being circulated on an informational basis. A copy was also sent to the respondents in accordance with 11 C.F.R. § 111.36(f). The respondents may file with the Commission Secretary a written response within 10 days of transmittal of the recommendation.

After the 10 day period, the Reviewing Officer Recommendation and the respondents' written response, if any, will be circulated to the Commission to make a final determination.

Attachment

11092652791



FEDERAL ELECTION COMMISSION
WASHINGTON, D.C. 20463

December 28, 2010

**REVIEWING OFFICER RECOMMENDATION
OFFICE OF ADMINISTRATIVE REVIEW ("OAR")**

AF# 2168 – Galyean for Congress and Christopher Stewart Cauley, in his official capacity as
Treasurer (C00462325)

Summary of Recommendation

Make a final determination that the respondents violated 2 U.S.C. § 434(a) and assess a \$0 civil money penalty.

Reason-to-Believe Background

On September 15, 2010, the Commission found reason to believe ("RTB") that the respondents violated 2 U.S.C. § 434(a) for failing to timely file the 2010 July Quarterly Report and made a preliminary determination that the civil money penalty was \$2,970, based on the schedule of penalties at 11 C.F.R. § 111.43. The Reports Analysis Division ("RAD") notified the respondents of the Commission's RTB finding and civil money penalty on September 21, 2010.

Legal Requirements

The Federal Election Campaign Act ("Act") states that the treasurer of a principal campaign committee of a candidate shall file a report for the period ending June 30 no later than July 15. 2 U.S.C. § 434(a)(2)(A)(iii) and 11 C.F.R. § 104.5(a)(1)(i). Reports sent by certified or registered mail, Priority or Express Mail with delivery confirmation, or by an overnight delivery service with an on-line tracking system must be postmarked or deposited with the mailing service no later than July 15 to be timely filed. 2 U.S.C. § 434(a)(5), and 11 C.F.R. §§ 100.19(b) and 104.5(e). The treasurer shall be personally responsible for the timely filing of reports. 11 C.F.R. § 104.14(d).

Respondents' Challenge

The Commission received the written response ("challenge") from Christopher S. Cauley on October 29, 2010. Due to the illness of the Candidate, the campaign ended in early January. The campaign was disbanded and Mr. Cauley was removed as Treasurer and informed his duties would cease. Mr. Cauley learned from the former Campaign Manager that the Committee never filed a change in Treasurer, nor the final report. According to former campaign officials, the campaign received no contributions in 2010, 2009 contributions were spent prior to the March report, and general contributions were returned to donors. Included with the challenge are a copy of the RTB letter and the July Quarterly Report, which Mr. Cauley filed based on the information received from former campaign officials, and signed as Treasurer since another had not been named.

Mr. Cauley requests that the civil money penalty be removed because the campaign has been inactive, the Candidate did not compete in the primary, and the Committee received no

contributions in 2010. If the penalty cannot be removed from the Committee, Mr. Cauley requests that the penalty be removed from him personally since he had been relieved of his duties and the campaign officials failed to name a new Treasurer.

Analysis

Although the challenge states that the campaign ended in early January, because the respondents did not file a Termination Report on or before July 15, 2010, indicating that: the Committee will no longer receive contributions or make disbursements; that there are no outstanding debts or obligations; and the purpose for which any residual funds will be used, they were required to file the July Quarterly Report. 11 C.F.R. § 102.3 and 2 U.S.C. § 433(d).

The respondents were notified of this filing requirement, as well as the due date of the report, before and after the filing deadline. On June 21, 2010, the Commission sent the Prior Notice for the 2010 July Quarterly Report to "jamesgalyean@yahoo.com," the email address listed on their Statement of Organization. Additionally, on August 3, 2010, the Commission sent them a non-filer notice at their address of record, the same address to which the RTB letter was sent and received by the respondents.

Mr. Cauley contends that his responsibilities as Treasurer were terminated when the campaign ended in early January 2010. Commission records indicate, however, that the Mr. Cauley filed the Committee's April Quarterly Report on April 15, 2010, three months after he states that he was removed as Treasurer. In addition, the regulations state that any change or correction in the information previously filed in the Statement of Organization shall be reported no later than 10 days following the date of the change or correction by filing an amended Statement of Organization or letter noting the change(s). 11 C.F.R. § 102.2(a)(2). To date, Commission records continue to disclose Christopher Stewart Cauley as Treasurer and no amended Statement of Organization or letter has been filed by Mr. Cauley or any other committee representative, disclosing Mr. Cauley's removal as Treasurer or naming a new Treasurer.

Under the administrative fine regulations, one of the criteria used to calculate the civil money penalty is the level of activity. 11 C.F.R. § 111.43(d). At the time of the RTB finding, the Commission had not received a report; therefore, an estimated level of activity was used. 11 C.F.R. § 111.43(d)(2)(i). On October 25, 2010 a Termination Report with July Quarterly coverage dates was filed with Christopher S. Cauley's name and signature as Treasurer. The report, filed 102 days late, discloses no receipts and no disbursements, resulting in a level of activity of \$0 for the reporting period. Since the level of activity is \$0 on the respondents' report and the schedule of civil money penalties at 11 C.F.R. § 111.43(a) only provides for civil money penalties if the level of activity is \$1.00 or more, no civil money penalty should be assessed against the respondents.

Their challenge fails to address any of the three valid grounds at 11 C.F.R. § 111.35(b). These are: (i) the RTB finding is based on factual errors; and/or (ii) the improper calculation of the civil money penalty; and/or (iii) they used best efforts to file on time but were prevented from doing so by reasonably unforeseen circumstances that were beyond their control and they filed the report no later than 24 hours after the end of these circumstances. Therefore, the

11092652794

Reviewing Officer recommends that the Commission make a final determination that the respondents violated 2 U.S.C. § 434(a) and assess a civil money penalty of \$0.

OAR Recommendations

- (1) Adopt the Reviewing Officer recommendation for AF# 2168 involving Galyean for Congress and Christopher Stewart Cauley, in his official capacity as Treasurer, in making the final determination;
- (2) Make a final determination in AF# 2168 that Galyean for Congress and Christopher Stewart Cauley, in his official capacity as Treasurer, violated 2 U.S.C. § 434(a) and, based on the actual level of activity, assess a civil money penalty of \$0 (reduced from the RTB civil money penalty of \$2,970); and
- (3) Send the appropriate letter.

Reviewing Officer: Dayna C. Brown

Attachments

Attachment 1 – Challenge Received from Respondents

Attachment 2 – Declaration from RAD

Attachment 3 – Declaration from OAR

DECLARATION OF DAYNA C. BROWN

- 1) I am the Reviewing Officer in the Office of Administrative Review for the Federal Election Commission ("Commission"). In my capacity as Reviewing Officer, I conduct research with respect to all challenges submitted in accordance with the Administrative Fine program.
- 2) The 2010 July Quarterly Report, covering the period April 1 through June 30, is due July 15, 2010. Reports sent by certified or registered mail, Priority or Express Mail with delivery confirmation, or by an overnight delivery service with an on-line tracking system must be postmarked or deposited with the mailing service no later than July 15 to be timely filed.
- 3) I hereby certify that I have searched the Commission's public records and that the documents identified herein are true and accurate copies of:
 - a) Page 1 of the Summary Page for the 2010 April Quarterly Report electronically filed by Galyean for Congress and Christopher S. Cauley, in his official capacity as Treasurer. According to the Commission's records, the report covers the period from January 1 through March 31, 2010, and was received on April 15, 2010; and
 - b) Page 1 of the Summary Page, Pages 3 and 4 of the Detailed Summary Page, and the Envelope Replacement Page for the 2010 July Quarterly Report filed via registered/certified mail by Galyean for Congress and Christopher S. Cauley, in his official capacity as Treasurer. According to the Commission's records, the report covers the period from April 1 through June 30, 2010, and was postmarked on October 25, 2010. Line 16, Column A lists \$0 in total receipts and Line 22, Column B lists \$0 in total disbursements for the reporting period.
- 4) Pursuant to 28 U.S.C. § 1746, I declare under penalty of perjury that the foregoing is true and correct and that this declaration was executed at Washington on the 28th day of December, 2010.



Dayna C. Brown
Reviewing Officer
Office of Administrative Review
Federal Election Commission

11092652795

**FEC
FORM 3****REPORT OF RECEIPTS
AND DISBURSEMENTS**

For An Authorized Committee

Office Use Only

1. NAME OF
COMMITTEE (in full)USE FEC MAILING LABEL
OR TYPE OR PRINT ▼Example: If typing, type
over the lines

GALYEAN FOR CONGRESS

ADDRESS (number and street)

3300 N MAIN STREET SUITE D PMB-301

Check if different
than previously
reported. (ACC)

ANDERSON

SC

29621

2. FEC IDENTIFICATION NUMBER ▼

CITY ▲

STATE ▲

ZIP CODE ▲

STATE ▼ DISTRICT

C00462325

3. IS THIS
REPORT

X

NEW
(N)

OR

AMENDED
(A)

SC

03

4. TYPE OF REPORT (Choose One)

(a) Quarterly Reports:

- X April 15 Quarterly Report (Q1)
- July 15 Quarterly Report (Q2)
- October 15 Quarterly Report (Q3)
- January 31 Year-End Report (YE)

Termination Report (TER)

(b) 12-Day PRE-Election Report for the:

Primary (12P)

General (12G)

Runoff (12R)

Convention (12C)

Special (12S)

Election on

in the
State of

(c) 30-Day POST-Election Report for the:

General (30G)

Runoff (30R)

Special (30S)

Election on

in the
State of

5. Covering Period

01

01

2010

through

03

31

2010

I certify that I have examined this Report and to the best of my knowledge and belief it is true, correct and complete.

Type or Print Name of Treasurer

CHRISTOPHER S. CAULEY

Signature of Treasurer

Electronically Filed by CHRISTOPHER S. CAULEY

Date

04

15

2010

NOTE: Submission of false, erroneous, or incomplete information may subject the person signing this Report to the penalties of 2 U.S.C 437g.

Office
Use
Only**FEC FORM 3**
(Revised 02/2003)

FE5AN018

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1010 OCT 29 AM 11:10
FEC MAIL CENTER

FEC
FORM 3

REPORT OF RECEIPTS
AND DISBURSEMENTS
For An Authorized Committee

Office Use Only

1. NAME OF COMMITTEE (in full) TYPE OR PRINT ▼ Example: If typing, type over the lines.

12FE4M5

GALYEM FOR CONGRESS

ADDRESS (number and street)

3300 N MAZIN STREET

5165 E D PMB-301

ANDERSON

KIC

124621

2. FEC IDENTIFICATION NUMBER ▼

C00462325

CITY ▲

STATE ▲

ZIP CODE ▲

STATE ▼ DISTRICT

3. IS THIS
REPORT



NEW
(N)

OR



AMENDED
(A)

KIC

103

4. TYPE OF REPORT (Choose One)

(a) Quarterly Reports:

☐ April 15 Quarterly Report (Q1)

☐ July 15 Quarterly Report (Q2)

☐ October 15 Quarterly Report (Q3)

☐ January 31 Year-End Report (YE)



Termination Report (TER)

(b) 12-Day PRE-Election Report for the:



Primary (12P)



General (12G)



Runoff (12R)



Convention (12C)



Special (12S)

Election on

10/29/2010

In the
State of

KIC

(c) 30-Day POST-Election Report for the:



General (30G)



Runoff (30R)



Special (30S)

Election on

10/29/2010

In the
State of

KIC

5. Covering Period

04/01/2010

through

06/30/2010

I certify that I have examined this Report and to the best of my knowledge and belief it is true, correct and complete.

Type or Print Name of Treasurer

Christopher S. Cowley

Signature of Treasurer

CS

Date

10/29/2010

NOTE: Submission of false, erroneous, or incomplete information may subject the person signing this Report to the penalties of 2 U.S.C. §437g.

Office
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Only

FEC FORM 3
(Revised 02/2003)

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Page 3

GALYAN FOR CONGRESS

56, 36, 2010

COLUMN B
Election Cycle-to-Date

81.05872

FESANTIA

DETAILED SUMMARY PAGE of Disbursements

FEC Form 3 (Revised 02/2003)

Page 4

II. DISBURSEMENTS

COLUMN A
Total This Period

COLUMN B
Election Cycle-to-Date

17. OPERATING EXPENDITURES.....

76,353.72

18. TRANSFERS TO OTHER
AUTHORIZED COMMITTEES.....

0

19. LOAN REPAYMENTS:

(a) Of Loans Made or Guaranteed
by the Candidate.....

0

(b) Of All Other Loans.....

0

(c) TOTAL LOAN REPAYMENTS
(add Lines 19(a) and (b)).....

0

20. REFUNDS OF CONTRIBUTIONS TO:

(a) Individuals/Persons Other
Than Political Committees.....

47.00

(b) Political Party Committees.....

0

(c) Other Political Committees
(such as PACs).....

0

(d) TOTAL CONTRIBUTION REFUNDS
(add Lines 20(a), (b), and (c)).....

47.00

21. OTHER DISBURSEMENTS.....

0

22. TOTAL DISBURSEMENTS
(add Lines 17, 18, 19(c), 20(d), and 21) ►

81,053.72

III. CASH SUMMARY

23. CASH ON HAND AT BEGINNING OF REPORTING PERIOD.....

0

24. TOTAL RECEIPTS THIS PERIOD (from Line 18, page 3).....

0

25. SUBTOTAL (add Line 23 and Line 24).....

0

26. TOTAL DISBURSEMENTS THIS PERIOD (from Line 22).....

0


27. CASH ON HAND AT CLOSE OF REPORTING PERIOD
(subtract Line 26 from Line 25).....

0

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11092652800
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Federal Election Commission ENVELOPE REPLACEMENT PAGE FOR INCOMING DOCUMENTS The FEC added this page to the end of this filing to indicate how it was received.	
<input type="checkbox"/> Hand Delivered	Date of Receipt
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Delivery Confirmation™ or Signature Confirmation™ Label <input type="checkbox"/>	
<input type="checkbox"/> USPS Express Mail	Postmarked
<input type="checkbox"/> Postmark Illegible	
<input type="checkbox"/> No Postmark	
<input type="checkbox"/> Overnight Delivery Service (Specify):	Shipping Date
Next Business Day Delivery <input type="checkbox"/>	
<input type="checkbox"/> Received from House Records & Registration Office	Date of Receipt
<input type="checkbox"/> Received from Senate Public Records Office	Date of Receipt
<input type="checkbox"/> Received from Electronic Filing Office	Date of Receipt
<input type="checkbox"/> Other (Specify):	Date of Receipt or Postmarked
 PREPARER (3/2005)	11/1/10 DATE PREPARED



FEDERAL ELECTION COMMISSION
WASHINGTON, D.C. 20463

VIA OVERNIGHT DELIVERY

December 29, 2010

Christopher Stewart Cauley, in his official capacity as Treasurer
Galyean for Congress
3300 N Main Street
Suite D PMB-301
Anderson, SC 29621

C00462325
AF# 2168

Dear Mr. Cauley:

On September 15, 2010, the Federal Election Commission ("Commission") found reason to believe ("RTB") that Galyean for Congress and you, in your official capacity as Treasurer ("respondents"), violated 2 U.S.C. § 434(a) for failing to timely file the 2010 July Quarterly Report. The Commission also made a preliminary determination that the civil money penalty was \$2,970 based on the schedule of penalties at 11 C.F.R. § 111.43.

After reviewing the written response and any supplemental information submitted by you and Commission staff, the Reviewing Officer has recommended that the Commission make a final determination in this matter. A copy of the Reviewing Officer's recommendation is attached.

You may file with the Commission Secretary a written response to the recommendation within 10 days of the date of this letter. Your written response should be sent to the Commission Secretary, 999 E Street, NW, Washington, DC 20463. As a result of the anthrax threat in the Washington, DC area, US Postal Service mail delivery to federal agencies, including the Commission, has been interrupted. Until regular mail delivery resumes, you may also file your written response with the Commission Secretary via facsimile (202-208-3333) or by courier at the same address (if you use an overnight delivery service, please use zip code 20004 instead of zip code 20463). Please include the AF # in your response. Your response may not raise any arguments not raised in your original written response or not directly responsive to the Reviewing Officer's recommendation. 11 C.F.R. § 111.36(f). The Commission will then make a final determination in this matter.

Please contact me at the toll free number 800-424-9530 (press 0, then press 1660) or 202-694-1660 if you have any questions.

Sincerely,

Dayna C. Brown
Reviewing Officer
Office of Administrative Review

Attachment

11092652801



FEDERAL ELECTION COMMISSION
WASHINGTON, D.C. 20463

RECEIVED
FEDERAL ELECTION
COMMISSION
SECRETARIAT

2011 JAN 20 A 10:29

January 19, 2011

MEMORANDUM

SENSITIVE

To: The Commission

Through: Alec Palmer
Acting Staff Director *AP*

From: Patricia Carmona *PC*
Chief Compliance Officer

Dayna C. Brown *DB*
Reviewing Officer
Office of Administrative Review

Subject: Final Determination Recommendation in AF# 2168 – Galyean for Congress and Christopher Stewart Cauley, in his official capacity as Treasurer (C00462325)

On September 15, 2010, the Commission found reason to believe (“RTB”) that the respondents violated 2 U.S.C. § 434(a) for failing to timely file the 2010 July Quarterly Report and also made a preliminary determination that the civil money penalty was \$2,970 based on the schedule of penalties at 11 C.F.R. § 111.43.

On October 25, 2010, the respondents filed a Termination Report with July Quarterly coverage dates, disclosing \$0 in total receipts and \$0 in total disbursements. Since the report discloses that the Committee had no activity during the July Quarterly reporting period and the schedule of penalties at 11 C.F.R. § 111.43(a) only provides for civil money penalties if the level of activity is \$1.00 or more, no civil money penalty would have been assessed had the report been filed prior to the RTB finding.

On October 29, 2010, the Commission received their written response (“challenge”). After reviewing the challenge, the Reviewing Officer’s recommendation dated December 28, 2010 was forwarded to the Commission, a copy was forwarded to the respondents, and is hereby incorporated by reference. The Reviewing Officer recommended that the Commission make a final determination that the respondents violated 2 U.S.C. § 434(a) and assess a \$0 civil money penalty because they submitted no evidence that a factual error was made in the RTB finding, that the penalty was miscalculated at RTB or that they used best efforts to file on time. 11 C.F.R. § 111.35(b).

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Within 10 days of transmittal of the recommendation, they may file a written response with the Commission Secretary which may not raise any arguments not raised in their challenge or not directly responsive to the Reviewing Officer's recommendation. 11 C.F.R. § 111.36(f). As of this date, a written response has not been received.

OAR Recommendations

- (1) Adopt the Reviewing Officer recommendation for AF# 2168 involving Galyean for Congress and Christopher Stewart Cauley, in his official capacity as Treasurer, in making the final determination;
- (2) Make a final determination in AF# 2168 that Galyean for Congress and Christopher Stewart Cauley, in his official capacity as Treasurer, violated 2 U.S.C. § 434(a) and, based on the actual level of activity, assess a civil money penalty of \$0 (reduced from the RTB civil money penalty of \$2,970); and
- (3) Send the appropriate letter.

11092652803

BEFORE THE FEDERAL ELECTION COMMISSION

In the Matter of)
)
Final Determination Recommendation –) AF 2168
Galyean for Congress and Christopher)
Stewart Cauley, in his official capacity as)
Treasurer (C00462325))

CERTIFICATION

I, Shawn Woodhead Werth, Secretary and Clerk of the Federal Election Commission, do hereby certify that on February 04, 2011, the Commission decided by a vote of 6-0 to take the following actions in AF 2168:

1. Adopt the Reviewing Officer recommendation for AF 2168 involving Galyean for Congress and Christopher Stewart Cauley, in his official capacity as Treasurer, in making the final determination.
2. Make a final determination in AF 2168 that Galyean for Congress and Christopher Stewart Cauley, in his official capacity as Treasurer, violated 2 U.S.C. § 434(a) and, based on the actual level of activity, assess a civil money penalty of \$0 (reduced from the RTB civil money penalty of \$2,970).
3. Send the appropriate letter.

Commissioners Bauerly, Hunter, McGahn II, Petersen, Walther, and Weintraub voted affirmatively for the decision.

Attest:

February 7, 2011
Date

Shawn Woodhead Werth
Shawn Woodhead Werth
Secretary and Clerk of the Commission

11092652804



FEDERAL ELECTION COMMISSION
WASHINGTON, D.C. 20463

February 8, 2011

VIA CERTIFIED MAIL
RETURN RECEIPT REQUESTED

Christopher Stewart Cauley, in his official capacity as Treasurer
Galyean for Congress
3300 N Main Street
Suite D #MB-301
Anderson, SC 29621

C00462325
AF# 2168

Dear Mr. Cauley:

On September 15, 2010, the Federal Election Commission ("the Commission") found reason to believe ("RTB") that Galyean for Congress and you, in your official capacity as Treasurer, violated 2 U.S.C. § 434(a) for failing to timely file the 2010 July Quarterly Report. By letter dated September 21, 2010, the Commission sent you notification of the RTB finding that included a civil money penalty calculated at RTB of \$2,970 in accordance with the schedule of penalties at 11 C.F.R. § 111.43. On October 29, 2010, the Office of Administrative Review received the written response from you, as Treasurer, challenging the RTB civil money penalty.

The Reviewing Officer reviewed the Commission's RTB finding with its supporting documentation and the written response. Based on this review, the Reviewing Officer recommended that the Commission reduce the RTB civil money penalty because it was calculated using an estimated level of activity, make a final determination that Galyean for Congress and you, in your official capacity as Treasurer, violated 2 U.S.C. § 434(a) and, based on the actual level of activity disclosed on the Termination Report filed October 25, 2010 with July Quarterly Report coverage dates (\$0), assess a civil money penalty in the amount of \$0 in accordance with 11 C.F.R. § 111.43. The basis for the Reviewing Officer's recommendation was included in the Final Determination Report, a copy of which was sent to you on December 29, 2010.

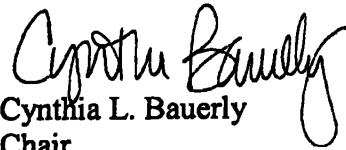
On February 4, 2011, the Commission adopted the Reviewing Officer's recommendation, made a final determination that Galyean for Congress and you, in your official capacity as Treasurer, violated 2 U.S.C. § 434(a) and, based on the level of activity disclosed on the Termination Report with July Quarterly Report coverage dates (\$0), assessed a civil money penalty of \$0 (reduced from the RTB civil money penalty of \$2,970). It is based on the same factors used to calculate the civil money penalty at RTB except that the actual rather than the estimated level of activity was used. A copy of the final determination recommendation is attached.

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The confidentiality provisions at 2 U.S.C. § 437g(a)(12) no longer apply and this matter is now public. The file will be made a part of the public record pursuant to 11 C.F.R. § 111.42(b). Although the file must be placed on the public record within 30 days from the date of the Commission's notification, this could occur at any time following certification of the Commission's vote.

If you have any questions, please contact Dayna Brown on our toll free number (800)424-9530 (press 0, then ext. 1660) or (202)694-1660.

On behalf of the Commission,


Cynthia L. Bauerly
Chair

Attachment

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FEDERAL ELECTION COMMISSION
Washington DC 20463

11092652807

THIS IS THE END OF ADMINISTRATIVE FINE CASE # 2168

DATE SCANNED 3-15-11

SCANNER NO. 2

SCAN OPERATOR 1